

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

BRANDI M. HORNER,
Administrator of the Estate of William J. Horner,
Deceased,

Civil Action No. 3:10CV597

Plaintiff,

v.

PHARMACISTS MUTUAL INSURANCE CO., *et al.*,

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge entered on December 17, 2010 (Docket No. 21). The time to file objections has expired, and neither party has objected to the Report and Recommendation. Having considered the matter and deeming it otherwise proper and just to do so, it is hereby ORDERED:

- (1) The Report and Recommendation of the United States Magistrate Judge is ACCEPTED and ADOPTED as the OPINION of the Court.
- (2) The Court FINDS that the exercise of jurisdiction under the Declaratory Judgment Act is proper in this matter and that American HomeCare is not a necessary or indispensable party under Rule 19.
- (3) Pharmacists Mutual's Motion to Dismiss (Docket No. 5) is DENIED.
- (4) Pursuant to the Agreed Order (Docket No. 20), the Plaintiff is DIRECTED to FILE an Amended Complaint as set forth in the Agreed Order and in the Report and Recommendation within seven (7) days of the date of this Order.

Let the Clerk of the Court send a copy of this Order to all counsel of record.

It is so ORDERED.

Date: February 3, 2011

/s/
Richard L. Williams
Senior United States District Judge